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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.T.R No.49 of 1992
Date of decision:2.11.2006

Commissioner of Income Tax, Amritsar ...Petitioner

Versus

M/S Geetu Traders, Maqbool Road,Amritsar

...Respondent

CORAM: HON'BLE MR.JUSTICE ADARSH KUMAR GOEL
HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Dr.N.L.Sharda, Advocate for the Revenue.
Mr.A.C.Jain, Advocate for the assessee.

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JUDGMENT

Following question of law has been referred for opinion of this Court by the Income Tax Appellate Tribunal, Amritsar Bench, Amritsar arising out of its order dated 24.4.1990 passed in I.T.A.No.776/ASR/1989, in respect of the assessment year 1987-88.

> "Whether on the facts and in the circumstance of the case, the Appellate Tribunal was right in law in allowing the assessee's claim of loss of Rs.20,756/- in the Chit Account during the previous year relevant to the Assessment year 1987-88?"

The question has already been gone into by this Court in the judgment of this Court in **The Commissioner of Income Tax, Faridabad Vs. M/S Jaico Steel Fastenrs Pvt. Ltd.,** ITA No.2 of 2002, decided on 4.10.2004 wherein following the earlier judgment of this Court in **Soda Silicate and Chemical Works Vs.**

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Commissioner of Income Tax, (1989) 179 ITR 588, the question has been answered in favour of the Revenue and against the assessee.

Accordingly, the question referred is answered in favour of the Revenue and against the assessee.

Learned counsel for the assessee referred to Full Bench judgment of this Court in **Commissioner of Income Tax Vs.Smt.Aruna Luthra**, (2001) 252 ITR 76 to submit that the amount of tax involved in the present case being small i.e. on addition of Rs.20,756/- only even if question of law is answered in favour of the revenue, the order of the Tribunal may not be interferred with. We have considered this submission of the learned counsel for the assessee and are of the view that direction for not giving effect to the order against the assessee was given in facts and circumstances of the case in an appeal and the same cannot be held to be a part of any uniform practice. We, therefore, decline prayer made on behalf of the assessee.

The reference is disposed of.

(Adarsh Kumar Goel)
Judge

November 2, 2006 **(Rajesh Bindal)**
Pka **Judge**